

CITY OF ALAMO HEIGHTS  
CITY COUNCIL  
March 9, 2015

A regular meeting of the City Council of the City of Alamo Heights, Texas was held at Council Chambers, located at 6116 Broadway, San Antonio, Texas, at 5:30 p.m. on Monday, March 9, 2015.

Present and composing a quorum were:

Mayor Louis Cooper  
Mayor Pro-Tempore Bobby Rosenthal  
Councilmember Bobby Hasslocher  
Councilmember Fred Prassel  
Councilmember Lynda Billa Burke  
Councilmember John Savage

Also attending were:

City Manager J. Mark Browne  
Fire Chief/Assistant City Manager Buddy Kuhn  
Assistant to the City Manager Marian Vargas  
City Attorney Mike Brenan  
Community Development Services Department Director Jason Lutz  
City Secretary Jennifer Reyna  
Chief Police Rick Pruitt  
Public Works Director Pat Sullivan

Absent were:

Finance Director Cynthia Barr  
Human Resource Manager Lori Harris

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Mayor Louis Cooper opened the meeting at 5:30 p.m.

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*Item # 1      Approval of Minutes*

Mayor Cooper asked City Council for any revisions to the minutes of the February 23, 2015, City Council meeting. A motion was made by Councilmember Fred Prassel to approve the minutes of February 23, 2015. The motion was seconded by Councilmember Lynda Billa Burke and passed by unanimous vote.

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*Item # 2      Announcements*

Mayor Cooper read the following captions.

**a. Reschedule May 25<sup>th</sup> Council Meeting due to Memorial Day Holiday**

City Secretary Jennifer Reyna rescheduled the Monday, May 25<sup>th</sup> Council meeting for Tuesday, May 26<sup>th</sup> beginning at 5:30 p.m. She informed Council, the City observed May 25<sup>th</sup> as Memorial Day Holiday and the offices would be closed.

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*Item # 3      Citizens to be heard concerning items not on the agenda*

Julian Hall, resident, stated there are comments from the Community Development Department Director, Fire and Police Chiefs regarding the Broadway/Ellwood project. He stated he sought consultation from an attorney regarding the tort act and expressed concern on liability, amount of coverage, premiums of increased insurance coverage, and the possibility of lawsuits. He discouraged Council the consideration of the Broadway/Ellwood project.

Elliot Weser, resident, expressed concern of the Broadway/Ellwood project due to the 1) detrimental impact to surrounding neighboring communities related to parking difficulty, traffic flow and flooding; 2) sell of public property and referenced the comprehensive plan and stated it did not include a 150 units per acre for an apartment complex; 3) water droughts and adequate water supply; and 4) option for the public use land greenspace and recreationally enjoyed by residents and visitors.

Kimberly Lubianski, resident, expressed concern on the manner in which the Planning and Zoning (P&Z) Commission considered the Broadway/Ellwood as one project and not individually; right-of-way conveyance and Specific Use Permit.

Susan Straus, resident, commented there is wide opposition for smart meters and referenced the petition that was recently submitted. She shared information of deadly fires in Texas, and California, noting three in San Antonio. Ms. Straus reminded Council of the health concerns related to smart meters and informed them of an upcoming bill being considered.

Sylvia Wong, resident, shared an online survey was conducted and reported that the majority of the responders were in favor of greenspace on Austin Highway and Broadway. Responders included residents that lived within the Alamo Heights Independent School District (AHISD)/City of Alamo Heights. She stated the overwhelming majority do not want the Broadway/Ellwood project. She asked Council to vote against the project.

John Joseph, resident, commented the younger generation desires a trendy place to meet; however noted the city is not dying referencing that the sales tax revenue gradually increases on an annual basis.

Judge Keith Baker, resident, noted no parking spaces at Paloma Blanca Restaurant and that overflowing cars cover Circle Street. He expressed concern on the rise of criminal activity if the proposed Broadway/Ellwood project is approved. He noted the project will change the commercial area.

Sarah Reveley, resident, brought a sample of a "comfortable" pad for the chairs in the Council Chambers. She stated this seating pad is portable and comfortable to allow residents to sit comfortably for long meetings.

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Items for Individual Consideration

Item # 4 Mayor Cooper read the following caption.

**Architectural Review Board Case No. 572F, request of James Rahe, architect, representing Bruce and Kris Petersen, owners, for the significance and compatibility review of the structures located at 202 Kennedy under Demolition Review Ordinance No. 1860 in order to construct a new single family residence**

Community Development Services Department Director Jason Lutz made a PowerPoint presentation that included background information, existing site plan/drainage/streetscapes, tree survey, existing/proposed elevations, and photos.

Mr. Lutz identified the project and stated the applicant is seeking to demolish a 1,497 square feet (sq. ft.) home and a 575 sq. ft. garage. The applicant is seeking to construct a 3,597 sq. ft. home, guest house, garage, carport, and pergola. Mr. Lutz reviewed the Residential Design Standards (RDS). On February 4, 2015, the Board of Adjustment (BOA) approved a variance to the max height of 35 feet. He noted the steep arch was granted to maintain architectural style related to the variance request.

Mr. Lutz briefly reviewed the existing site plan and explained the drainage plan. He stated there were two heritage trees that died and will be removed. He further explained the root zones of the trees and noted the design of the structure was surrounding the trees. The site plan, photos of the existing streetscape and elevations were presented as well as the accessory structure, workshop and pergola were briefly reviewed.

Staff received three responses in support of the project and one in opposition. Mr. Lutz stated a neighbor expressed concern of the possible water runoff. The ARB expressed support with the condition of a current survey due to landowner's expressed concern of water runoff since he is located across from the applicant. He stated if there is an issue, the option would return to ARB and request redesign of driveway or contribute funds to reconfigure street to prevent flooding. Mr. Lutz stated as of now, there is no concern of flooding.

The following citizen spoke on this matter:

Peter Turnbull, resident, expressed concern of the possible waterfall that may come onto his garage. He shared that his garage only flooded once in 1998. He shared that he met with Public Works Director Pat Sullivan who showed street slope within the roadway as being 3% rise to the crown with a 5% slope (north) downhill. Mr. Turnbull expressed concern that the project's finished grade at an estimate 14% would create a rush of water which would overcome this slope information provided by Mr. Sullivan.

Councilmember Hasslocher referenced two large Southern Bell telephone boxes that were located on the property line and close in proximity. He asked if Southwestern Bell had an easement that runs against the property. He expressed concern with the parking plans building over an easement. He noted a significant amount of grade work will be needed.

Mr. Lutz responded the Southwestern Bell boxes are located on Mayflower and noted there is not an easement; however perhaps located in the platted alley. He stated if there is an easement, it could provide benefit to the applicant by providing access. He summarized that he did not see an easement on the plat.

Public Works Director Pat Sullivan stated he had conducted a digital level readings on the roadway at the site and noted a 3% rise to the existing crown which is customary for a 30 foot road and probably more important a 5% drop towards Joliet. He stated the driveway may be built a couple of inches lower; however, a minor adjustment to asphalt may be made and indicated the requested survey will provide the existing condition, amount of crown, and needs. He stated an engineer may conduct the survey.

Councilmember Hasslocher stated he did not want flooding in Mr. Turnbull's garage and noted a second crown located near Joliet that slopes down with a slight rise that may contribute to possible flooding.

A motion for approval was made by Mayor Pro Tem Rosenthal subject to the same condition imposed by ARB that addresses the water flow and conditions satisfactory to ARB. The motion as seconded by Councilmember Billa Burke and there was further discussion.

There was a brief discussion among Council, James Rahe - applicant, Mr. Turnbull regarding type of survey, civil engineer, consideration of demolition only and meeting with Mr. Turnbull. Mr. James stated a civil engineer would be hired to conduct the survey which will be submitted and noted City staff can stop the progress if the results from the survey are not satisfying. Mr. Turnbull agreed that the applicant may demolish the house and then work on grade requirements so long as he is informed and a civil engineer is hired. Mr. Lutz agreed to provide survey results to Council.

Kris Petersen, owner, expressed appreciation to Mr. Turnbull's and all the neighbors expressing their concerns. She stated she knew several different engineers or

expertise were needed on this project. She requested if the project may proceed so when construction begins, the trees are healthy and pest control is maintained.

Mayor Pro Tem Rosenthal and Councilmember Billa Burke withdrew their motion seeking a new motion to allow progress of the project.

A motion for approval of demolition and compatibility was made by Councilmember Hasslocher with instructions to work with Civil Engineer, Community Development Services Department Director, Public Works Director, and Peter Turnbull to resolve drainage questions; the item may return to ARB if not satisfactory. The motion was seconded by Councilmember Savage and passed by unanimous vote.

*Item # 5* Mayor Cooper read the following caption.

**Notice of Intent – for the development of a medical office building located at 110 Chichester Place**

Mr. Lutz made a PowerPoint presentation that included background information, proposed site plan and photos.

Mr. Lutz identified the project and stated the applicant is seeking to develop a two story 12,000 sq. ft. medical office building on the vacant property at 110 Chichester. He reminded Council the property was home to the former Alamo Heights garage. Mr. Lutz informed Council the property is composed of two parcels (5 lots) which form a 1.03 acre tract of land located at 110 Chichester Place and is located in two separate zoning districts (B-2 and Parking).

Mr. Lutz highlighted the project's details to include 67 parking spaces, preserve existing heritage trees, no impact on flood zone, and orient building entrance towards Austin Highway and Broadway intersection. The proposed exteriors include a combination of white stucco, limestone, and metals to match neighboring buildings. He noted the building is located on the eastern portion of the property that is not in the flood plain. The proposed design has less impervious cover than that of the former Alamo Heights Garage.

Mr. Lutz noted an existing heritage anaqua tree and heritage pecan tree are planned to be preserved. Most of the other existing "nonprotected" trees on site are diseased and will be removed. New trees along the street, landscape buffer and in the parking lot will be incorporated into the landscape plan.

Photos of the proposed site plan were presented. He noted the property is proposed outside the limits of the floodway plain.

Mr. Lutz stated ARB and BOA will consider the project. He noted the following variances will be requested: 1) provide 9'x18' parking spaces (9'x20' requirement by code); 2) 24' drive aisles; 3) use pervious grass parking paver in portions of the landscape

buffer. 3-70(2); 4) waive requirement for a commercial access drive or alley along the rear lot line. 3-83; 5) property consists of 5 lots, lots 1 and part of 2 are zoned "B-2" Business. Lots 3-5 are zoned "P" Parking. The applicant intends to re-plot the property into one lot rezoned to "O" Office or "B-2" Business. The property will need to be replatted. A drainage study will need to be submitted and reviewed by the City's contract engineering firm to determine the exact limits and storm water discharge requirements for the proposed design.

The following citizens spoke on this matter:

Glenn Huddleston, property owner, stated he owned the Mobil station on Austin Highway/Broadway. He stated he was impressed by the proposed building project that is proposed on the eastern portion only requesting a zoning change. He stated the landscape buffers are all in compliance with the codes and complimented the architects, LPA Inc.

John Grable, resident, stated he is a business neighbor of the project and commented the project is respectful to Broadway and building out of the floodplain. He applauded the architects.

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Staff Report

Item # 6 Mayor Cooper read the following caption.

**Update on progress of construction for new City Hall facilities**

City Manager Mark Browne made a PowerPoint presentation that provided an update on the new City Hall facilities.

Mr. Browne provided an update to Council stating the contractor is working on a punch list and warranty items. He informed Council the landscaping is complete.

Mr. Browne reviewed the budget related to the construction of the new city hall facilities. He noted expenditures on construction fees, architect fees, materials testings, appliances, security equipment and Council Chamber AV. Mr. Browne briefly presented and reviewed the overall construction budget. He noted there is retainage within the amount in the budget.

Sarah Reveley, resident, requested additional information on the budget regarding the different funds that were utilized, and value engineering items that were approved or removed.

Mr. Browne stated data on the value engineering can be provided and additional money came from the general fund, court technology and security funds.

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Mr. Browne reported the ribbon cutting ceremony was a success and thanked everyone for their participation.

Mayor Cooper thanked staff for organizing the ribbon cutting ceremony.

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There being no further business, a motion was made by Councilmember Prassel to adjourn the meeting. The motion was seconded by Councilmember Billa Burke and passed by unanimous vote. Mayor Cooper adjourned the meeting at 6:48 p.m.

  
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Jennifer Reyna  
City Secretary

  
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Louis Cooper  
Mayor